

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**Michael Fisk,**

**Plaintiff,**

Case No. 3:05-cv-145

-VS-

## **District Judge Thomas M. Rose**

**Michael J. Astrue,**

## **Magistrate Judge Sharon Ovington**

## **Commissioner of Social Security,**

## Defendant.

**ENTRY AND ORDER ADOPTING REPORT AND  
RECOMMENDATIONS OF THE MAGISTRATE JUDGE (DOC. 25),  
OVERRULING DEFENDANT'S OBJECTIONS (DOC. 26), ORDERING  
PLAINTIFF'S MOTION FOR ATTORNEY FEES UNDER E.A.J.A. (DOC.  
19) BE GRANTED; THAT PLAINTIFF BE AWARDED AN AWARD OF  
ATTORNEY FEES IN THE AMOUNT OF \$8,096.28, AND THAT THE  
CASE REMAIN TERMINATED ON THE DOCKET OF THIS COURT.**

This matter comes before the Court pursuant to Objections (Doc. 26) to the Report and Recommendations of Magistrate Judge Sharon Ovington (Doc.25) recommending that Plaintiff's Motion for Attorney Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 (E.A.J.A.) (Doc. 19) be granted.

The Court has reviewed the findings of the Magistrate Judge and, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), this Court has made a de novo review of the record in this case. Upon consideration of the foregoing, the Court finds the Objections (Doc. 26) are not well-taken and are hereby **OVERRULED**.

The Court **ADOPTS** the Report and Recommendations (Doc. 25) in it's entirety.

Plaintiff's Motion for Attorney Fees under E.A.J.A. (Doc. 19) is **GRANTED**; Defendant is **ORDERED** to pay Plaintiff Attorney Fees in the amount of \$8,096.28. The case remains terminated on the docket of this Court.

January 22, 2009

**s/THOMAS M. ROSE**

---

THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE